

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FT. PIERCE DIVISION

CASE NO. 24-14336-CIV-MARTINEZ/MAYNARD

DANIEL PORTER, individually, and
MARITIME RESEARCH & RECOVERY, LLC,

Plaintiffs/Counterclaim Defendants,

v.

CARL ALLEN, individually, and
ALLEN EXPLORATION, LLC,

Defendants/Counterclaim Plaintiffs.

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JOINT DISCOVERY STATUS REPORT

Pursuant to Magistrate Judge Shanick Mills Maynard's Order Setting Discovery Status Conference (DE #5, DE #46 and DE #47), Plaintiffs / Counter Defendants Daniel Porter and Maritime Research & Recovery, LLC, ("Plaintiffs") and Defendants / Counter Plaintiffs, Carl Allen and Allen Exploration, LLC ("Defendants") (together, the "Parties") respectfully submit this Joint Discovery Status Report:

What discovery requests have been propounded?

1. Discovery Requests Propounded by Each Party.

A. Plaintiff's Discovery Requests:

1. Plaintiffs' First Request for Admissions - (11/20/24)

Defendants' Answer: Of the 30 Requests made by Plaintiff the Defendants objected and did not answer 12 questions.

2. Plaintiffs' First Request to Produce - (11/21/24)

Defendants' Answer: The Defendants objected to each and every request and has furnished none of the requested documents.

Plaintiff Maritime Research and Recovery First Interrogatories to Defendant Allen Exploration - (12/26/24).

Defendants' Answer: The Defendant objected to five of the 17 questions and failed to provide any information to seven questions, claiming that the Plaintiff had computer files which answered these questions.

Plaintiffs Second Request to Produce to Carl Allen and Allen Exploration— (1/9/25)

Defendants' Answer: Defendants filed a Motion for Protective Order, no production given.

3. Plaintiff Daniel Porter's First Interrogatories to Carl Allen and Allen Exploration - (2/27/25)

Defendant's Answer - No answer as of today.

4. Plaintiffs' Request for Documents from Defendants – (3/17/25)

Defendants' Answer: No answer as of today.

B. Defendant's Discovery Requests:

1. Defendants Request for Admissions served on Plaintiffs on January 2nd, 2025.
2. Defendants Request to Produce Documents served on Plaintiffs on January 2nd, 2025.
3. Defendants Interrogatories served on Plaintiffs on January 2nd, 2025.

(2) Have Discovery Requests Been Answered?

A. Plaintiff's Discovery Requests:

See Answer 1 A above.

B. Defendant's Discovery Requests:

1. Plaintiffs answered Defendants Interrogatories on January 2, 2025.

2. Plaintiffs answered Defendants Requests for Admissions on January 25th, 2025
3. Plaintiffs answered Defendants Response to Request for Production on January 27th, 2025.

Defendants Carl Allen and Allen Exploration, LLC., maintain that Defendants' Request for Admissions, Request for Production, and Defendants' Interrogatories have not been fully answered.

(3) What is the status of depositions; including the number of depositions taken, those that remain to be taken and if any have been scheduled as well as an explanation of any delay in deposition scheduling ?

Plaintiffs have taken three depositions (Dickerson, Hill and Spence) and have two additional depositions (Pateman and Sinclair) scheduled for March 24th, 2025. Plaintiffs had previously scheduled the depositions of Defendant Carl Allen and corporate representative Preston Paine. Defendants objected to Mr. Allen and Mr. Paine appearing in person in Florida as Mr. Allen is a resident of Texas and Allen Exploration, LLC., is headquartered in Texas. In addition, Defendants filed a motion for protective order relative to the production of trade secrets and other confidential information requested by Plaintiffs. As a result of these depositions not going forward Plaintiffs filed a motion for sanctions. None of the motions have been ruled upon.

Plaintiffs seek to depose Preston Paine, Carl Allen, James Sinclair, Michael Pateman, and David Concannon. Depositions of Sinclair and Pateman are set for March 24th, 2025. Defendants refuse to provide dates for the deposition of Concannon.

Defendants seek to depose Daniel Porter, Art Schweitzer, Mike McDowel and Glenn Bridges as well as other witnesses yet to be determined. Defendants maintain that these depositions cannot be conducted until Plaintiffs fully comply with outstanding production requests. Defendants have filed a motion to compel these documents. This motion has not been ruled upon.

(4) What is the status of expert witness disclosures?

Plaintiffs have disclosed three (3) expert witnesses. Defendants have not been able to disclose any rebuttal expert witnesses as Plaintiffs' expert disclosure was incomplete. Defendants filed a motion to compel expert witness reports and additional information. This motion has not been ruled upon yet. Plaintiffs maintain that their expert disclosures are complete.

(5) Are there any outstanding discovery disputes?

Yes, the following motions regarding discovery remain outstanding:

A. Plaintiff's Discovery Disputes:

1. Plaintiffs motion to compel production of documents [DE #29].
2. Plaintiffs first motion for sanctions [DE# 32].
3. Plaintiff's second motion for sanctions [DE #35].

B. Defendant's Discovery Disputes:

1. Defendants' motion for confidentiality order [DE # 33] (unopposed).
2. Defendants' motion for sanctions [DE #37].
3. Defendants, motion compel discovery [DE #42].
4. Defendants' motion to compel expert witness disclosure [DE #44].

(6) If the parties believe a discovery status conference is needed and whether it may be cancelled?

Yes, a discovery status conference is needed.

(7) If the Parties can certify all discovery will be completed by the discovery deadline

The parties can only certify that they will complete discovery by the deadline if all discovery issues are resolved and all depositions completed by the deadline.

Dated: March 20th, 2025

Respectfully submitted,

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[Electronically filed by Christopher F. Lanza with consent of all parties]